

# **EXHIBIT D**

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10 Attorney for Plaintiff,  
11 **DIGITECH IMAGE TECHNOLOGIES, LLC**

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14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 DIGITECH IMAGE TECHNOLOGIES, LLC,

17 Plaintiff,  
18 v.  
19 AGFAPHOTO HOLDING GMBH;  
20 AGFAPHOTO USA CORPORATION; B&H  
21 FOTO & ELECTRONICS CORP.; BEST BUY  
22 CO., INC.; BEST BUY STORES, LP;  
23 BESTBUY.COM, LLC; BUY.COM INC.;  
24 CANON INC.; CANON U.S.A., INC.; CASIO  
25 COMPUTER CO., LTD.; CASIO AMERICA,  
26 INC.; CDW LLC; FUJIFILM  
27 CORPORATION; FUJIFILM HOLDINGS  
28 CORPORATION; FUJIFILM HOLDINGS  
AMERICA CORPORATION; GENERAL  
ELECTRIC COMPANY; GENERAL  
IMAGING COMPANY; VICTOR  
HASSELBLAD AB; HASSELBLAD USA  
INC.; LEICA CAMERA AG; LEICA  
CAMERA INC.; MAMIYA DIGITAL  
IMAGING CO., LTD.; LEAF IMAGING LTD.  
D/B/A MAMIYALEAF; MAMIYA AMERICA  
CORPORATION; MICRO ELECTRONICS,  
INC.; NEWEGG, INC.; NEWEGG.COM,  
INC.; NIKON CORPORATION; NIKON INC.;  
NIKON AMERICAS, INC.; OLYMPUS  
CORPORATION; OLYMPUS AMERICA  
INC.; OVERSTOCK.COM, INC.;  
PANASONIC CORPORATION; PANASONIC

By  
Collins  
Edmonds  
Pogorzelski  
Schlather  
Santa Ana  
California  
United States  
District Court  
Central District of California  
Case No. SACV12-1153 MLG  
Complaint for Infringement of  
U.S. Patent No. 6,128,415  
Demand for Jury Trial  
Complaint Filed: July 16, 2012  
Trial Date: not set

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1 CORPORATION OF NORTH AMERICA;  
2 PENTAX RICOH IMAGING CO., LTD.;  
3 PENTAX RICOH IMAGING AMERICAS  
4 CORPORATION; RICOH COMPANY, LTD.;  
5 RICOH AMERICAS CORPORATION;  
6 SAKAR INTERNATIONAL, INC. D/B/A  
7 VIVITAR; SIGMA CORPORATION; SIGMA  
CORPORATION OF AMERICA; SONY  
CORPORATION; SONY CORPORATION OF  
AMERICA; SONY ELECTRONICS INC. and  
TARGET CORPORATION

8 Defendants.

10 **COMPLAINT FOR PATENT INFRINGEMENT**

11 This is an action for patent infringement in which DIGITECH IMAGE TECHNOLOGIES,  
12 LLC submits this Original Complaint against Defendants named herein, namely AGFAPHOTO  
13 HOLDING GMBH; AGFAPHOTO USA CORPORATION; B&H FOTO ELECTRONICS CORP.;  
14 BEST BUY CO., INC. D/B/A BEST BUY; BEST BUY STORES, LP; BESTBUY.COM, LLC;  
15 BUY.COM INC.; CANON INC.; CANON U.S.A., INC.; CASIO COMPUTER CO., LTD.; CASIO  
16 AMERICA, INC.; CDW LLC F/K/A CDWC LLC F/K/A CDW CORPORATION; FUJIFILM  
17 CORPORATION; FUJIFILM HOLDINGS CORPORATION; FUJIFILM HOLDINGS AMERICA  
18 CORPORATION; GENERAL ELECTRIC COMPANY; GENERAL IMAGING COMPANY;  
19 VICTOR HASSELBLAD AB; HASSELBLAD USA INC.; LEICA CAMERA AG; LEICA  
20 CAMERA INC.; MAMIYA DIGITAL IMAGING CO., LTD.; LEAF IMAGING LTD. D/B/A  
21 MAMIYALEAF; MAMIYA AMERICA CORPORATION; MICRO ELECTRONICS, INC. D/B/A  
22 MICRO CENTER; NEWEGG, INC.; NEWEGG.COM, INC.; NIKON CORPORATION; NIKON  
23 INC.; NIKON AMERICAS, INC.; OLYMPUS CORPORATION; OLYMPUS AMERICA INC.;  
24 OVERSTOCK.COM, INC.; PANASONIC CORPORATION; PANASONIC CORPORATION OF  
25 NORTH AMERICA; PENTAX RICOH IMAGING CO., LTD.; PENTAX RICOH IMAGING  
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1           116. On information and belief, VIVITAR has been and now is infringing the '415 patent  
2 by actions comprising making, using, importing, selling and/or offering to sell products comprising  
3 a device profile for describing properties of a device in a digital image reproduction system to  
4 capture, transform or render an image, said device profile comprising: first data for describing a  
5 device dependent transformation of color information content of the image to a device independent  
6 color space; and second data for describing a device dependent transformation of spatial information  
7 content of the image in said device independent color space.

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9           117. Moreover, on information and belief, VIVITAR has been and now is indirectly  
10 infringing by way of intentionally inducing infringement of the '415 patent in this judicial district,  
11 and elsewhere in the United States, including by aiding or abetting re-sellers, including but not  
12 limited to B&H, BEST BUY, BUY.COM, NEWEGG, OVERSTOCK and TARGET, to sell and/or  
13 offer for sale infringing products and/or customers and/or users to use infringing products. Upon  
14 information and belief, such induced infringement has occurred at least since this Defendant became  
15 aware of the '415 patent, at least through becoming aware of this Complaint.

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17           118. Upon present information and belief, VIVITAR's infringing products comprise at  
18 least the following accused products: ViviCam S325, ViviCam S130, ViviCam S529, ViviCam  
19 S1527, iTwist F124, ViviCam F526, ViviCam F128, iTwist F536, ViviCam F131, ViviCam F332,  
20 iTwist F129, ViviCam F529, ViviCam T325, ViviCam T016, ViviCam T127, ViviCam T539,  
21 iTwist T126, ViviCam T135, ViviCam T125, iTwist T028, ViviCam T322, ViviCam T132,  
22 ViviCam T324, ViviCam T137, ViviCam T024, ViviCam T026, ViviCam T030, ViviCam T328,  
23 ViviCam T327, ViviCam T532, ViviCam T027, ViviCam X027, ViviCam X016, ViviCam X137,  
24 ViviCam X029, ViviCam X020, ViviCam X028, ViviCam X225, ViviCam X026, ViviCam X024,  
25 ViviCam X324, ViviCam X327, ViviCam X014, ViviCam X018, ViviCam X025, ViviCam 9124,  
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1 ViviCam 9112, ViviCam 7122, iTwist 7028, ViviCam 7024, ViviCam 7022, ViviCam 7690,  
2 ViviCam 7399, ViviCam 8124, ViviCam 8225, ViviCam 8025, ViviCam 8690, ViviCam 8018,  
3 ViviCam 8400, ViviCam 8027, ViviCam 8324, ViviCam 5118, ViviCam 5024, ViviCam 5020,  
4 ViviCam 5028, ViviCam 5018, ViviCam 5188, ViviCam 5022, ViviCam 5399, ViviCam 4090,  
5 V69379, ViviCam V25, vstyle 38, V69379M, ViviCam 46, ViviCam 20, vstyle 17G, vstyle 58B,  
6 Clipshot 11698, vstyle 28B, vstyle 27G, vstyle 57G, ViviCam V15 and vstyle 18B.

8 119. VIVITAR is thus liable for infringement of the '415 patent pursuant to 35 U.S.C. §  
9 271.

10 120. On information and belief, SIGMA has been and now is infringing the '415 patent by  
11 actions comprising making, using, importing, selling and/or offering to sell products comprising a  
12 device profile for describing properties of a device in a digital image reproduction system to capture,  
13 transform or render an image, said device profile comprising: first data for describing a device  
14 dependent transformation of color information content of the image to a device independent color  
15 space; and second data for describing a device dependent transformation of spatial information  
16 content of the image in said device independent color space.

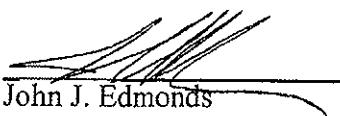
19 121. Moreover, on information and belief, SIGMA has been and now is indirectly  
20 infringing by way of intentionally inducing infringement of the '415 patent in this judicial district,  
21 and elsewhere in the United States, including by aiding or abetting re-sellers, including but not  
22 limited to B&H and BUY.COM, to sell and/or offer for sale infringing products and/or customers  
23 and/or users to use infringing products. Upon information and belief, such induced infringement has  
24 occurred at least since this Defendant became aware of the '415 patent, at least through becoming  
25 aware of this Complaint.

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1 Dated: July 16, 2012

Respectfully submitted,

2 COLLINS, EDMONDS, POGORZELSKI,  
3 SCHLATHER & TOWER, PLLC

4   
5 John J. Edmonds

6 Attorney for Plaintiff  
7 DIGITECH IMAGE TECHNOLOGIES, LLC

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10 **DIGITECH IMAGE TECHNOLOGIES, LLC**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SACV12 - 01673 JVS (ANx)

**CASE NO.**

**ORIGINAL COMPLAINT FOR  
INFRINGEMENT OF U.S. PATENT  
NO. 6,128,415**

**DEMAND FOR JURY TRIAL**

Complaint Filed: October 1, 2012

DIGITECH IMAGE TECHNOLOGIES,  
LLC,

13 Plaintiff,  
14  
15 v.

16 SAKAR INTERNATIONAL, INC.  
17 D/B/A VIVITAR

18 Defendants.

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

21  
22 This is an action for patent infringement in which DIGITECH IMAGE  
23 TECHNOLOGIES, LLC submits this Original Complaint against Defendant named  
24 herein, namely SAKAR INTERNATIONAL, INC. D/B/A VIVITAR; ("VIVITAR" or  
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26 "Defendant"), as follows:  
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1 second data for describing a device dependent transformation of spatial information  
2 content of the image in said device independent color space.  
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4 10. Moreover, on information and belief, VIVITAR has been and now is  
5 indirectly infringing by way of intentionally inducing infringement of the '415 patent  
6 in this judicial district, and elsewhere in the United States, including by aiding or  
7 abetting re-sellers, including but not limited to B&H, BEST BUY, BUY.COM,  
8 NEWEGG, OVERSTOCK and TARGET, to sell and/or offer for sale infringing  
9 products and/or customers and/or users to use infringing products. Upon information  
10 and belief, such induced infringement has occurred at least since this Defendant  
11 became aware of the '415 patent, at least through becoming aware of this Complaint.  
12

13 11. Upon present information and belief, VIVITAR's infringing products  
14 comprise at least the following accused products: ViviCam S325, ViviCam S130,  
15 ViviCam S529, ViviCam S1527, iTwist F124, ViviCam F526, ViviCam F128, iTwist  
16 F536, ViviCam F131, ViviCam F332, iTwist F129, ViviCam F529, ViviCam T325,  
17 ViviCam T016, ViviCam T127, ViviCam T539, iTwist T126, ViviCam T135,  
18 ViviCam T125, iTwist T028, ViviCam T322, ViviCam T132, ViviCam T324,  
19 ViviCam T137, ViviCam T024, ViviCam T026, ViviCam T030, ViviCam T328,  
20 ViviCam T327, ViviCam T532, ViviCam T027, ViviCam X027, ViviCam X016,  
21 ViviCam X137, ViviCam X029, ViviCam X020, ViviCam X028, ViviCam X225,  
22 ViviCam X026, ViviCam X024, ViviCam X324, ViviCam X327, ViviCam X014,  
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1 ViviCam X018, ViviCam X025, ViviCam 9124, ViviCam 9112, ViviCam 7122,  
2 iTwist 7028, ViviCam 7024, ViviCam 7022, ViviCam 7690, ViviCam 7399, ViviCam  
3 8124, ViviCam 8225, ViviCam 8025, ViviCam 8690, ViviCam 8018, ViviCam 8400,  
4 ViviCam 8027, ViviCam 8324, ViviCam 5118, ViviCam 5024, ViviCam 5020,  
5 ViviCam 5028, ViviCam 5018, ViviCam 5188, ViviCam 5022, ViviCam 5399,  
6 ViviCam 4090, V69379, ViviCam V25, vstyle 38, V69379M, ViviCam 46, ViviCam  
7 20, vstyle 17G, vstyle 58B, Clipshot 11698, vstyle 28B, vstyle 27G, vstyle 57G,  
8 ViviCam V15 and vstyle 18B.

12 12. VIVITAR is thus liable for infringement of the '415 patent pursuant to  
13 35 U.S.C. § 271.

15 13. As a result of Defendant's infringing conduct, Defendant has damaged  
16 DIGITECH. Defendant is liable to DIGITECH in an amount that adequately  
17 compensates DIGITECH for its infringement, which, by law, can be no less than a  
18 reasonable royalty.

20 14. DIGITECH will take discovery relative to Defendant's pre-suit  
21 knowledge of the '415 patent at the appropriate time. Upon information and belief,  
22 Defendant's infringement of the '415 patent since receiving notice of the patent, at a  
23 minimum by virtue of this lawsuit, would necessarily be willful and objectively  
24 reckless at least due to the fact that the Defendant's infringement is clear and there is  
25 no known good faith basis to assert invalidity.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: October 1, 2012

Respectfully submitted,

COLLINS, EDMONDS,  
POGORZELSKI, SCHLATHER &  
TOWER, PLLC

John J. Edmonds – LEAD COUNSEL  
State Bar No. 274200

Attorney for Plaintiff  
DIGITECH IMAGE  
TECHNOLOGIES, LLC